

Notice of Allowability**Application No.**

10/050,464

Applicant(s)

DAUM, STEVEN B.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/1/2006.
2. ☒ The allowed claim(s) is/are 10-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's after final response to office action mailed 6/1/2006, which was received 12/1/2006. Acknowledgement is made to the amendment to the cancellation of claims 1-9 and 16-21, leaving claims 10-15. The examiner notes applicant's consideration of the indication of allowable subject matter provided in the 6/1/2006 office action and applicant's amendment has placed the application in condition for allowance. Therefore the reasons for allowance cited in the previous office action are restated below:.

Reasons for Allowance

Claims 10-15 are allowable over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record neither anticipates nor fairly and reasonably teaches a method comprising, *inter alia*, in a computer based reservation system, reducing and storing the use allocation for more than one fractional owner after a single flight that includes at least one passenger associated with each of the more than one fractional owner.

As per the specification at pages 3-4:

" The method also includes determining a use allocation for each fractional owner in an amount based on a fraction of the first aircraft owned by the fractional owner, the use allocation comprising a measure of flight usage of one or more fractionally-owned aircraft including the first aircraft. The method further includes reducing the use allocation for more than one fractional owner after a single flight that includes at least one passenger associated with each of the more than one fractional owners.

By reducing the use allocation for more than one fractional owner for a single flight, the cost of the flight is effectively borne by more than one fractional owner. Thus, as long as sufficient room exists on the flight to accommodate several fractional owners, the cost of that flight may be split among several parties. Such cost splitting can enable use of fractionally purchased aircraft having relatively large space per passenger and accompanying amenities, all at a reasonable cost."

Discussion of most relevant art:

US Patents and PG-PUB

(i) US PGPub 2002/0194037 to Creed et al teaches a method for providing private air travel to a plurality of customers. Creed however, fails to render the above-mentioned application's limitations obvious.

Foreign Patent Documents

(ii) JP 63080363 to Shirooka teaches a reception system for aircraft seat reservations; however, Shirooka fails to render the application's above-mentioned limitations obvious.

Non-Patent Literature

(iii) The most representative reference of the state of the prior art is to Maynard, Micheline: "Corporate Planes: Perks or Necessities?"; The New York Times (Late Edition (East Coast)); New York NY; September 23, 2001; page 3.6 (hereafter "Maynard").

Maynard reports on a typical fractional-ownership allocation scheme in which shares in a business jet are purchased. A fractional-owner purchases shares in increments of one-sixteenth ownership interests. Each share equals a number of use allocation units (in this case: 1 share equals 50 hours of actual flying time in a Citation V having 8 seats). Additional fees are added for various services associated with the operation of the jet and an associated fleet. In all cases, however, all owner costs are borne by that fractional owner alone. Although some of the additional fees charged (for fleet maintenance, for example) might be reasonably construed as being shared among the fractional owners, none of the prior art of record reasonably teaches or suggests reducing and storing the use allocation for more than one fractional owner after a single flight that includes at least one passenger associated with each of the more than one fractional owner.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on

Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300 [Official communications; including
After Final communications labeled
"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'M. A. 2' followed by a long horizontal flourish.

Mark Fadok

Primary Examiner